

REMARKS

This is in response to the Office Action mailed on June 3, 2004, and the references cited therewith.

Claims 1, 10, and 19 are amended, claims 8-9, and 17-18 are canceled, and claims 20-23 are added; as a result, claims 1-7, 10-16, and 19-23 are now pending in this application.

The amended of the claims are supported by the original filed specification and do not introduce any new matter. As an example of such support, the Examiner's attention is directed to the originally filed FIG. 5 and its corresponding discussion beginning on page 13.

Specifically, see page 14 first paragraph (actually a continuation paragraph from page 13).

§102 Rejection of the Claims

Claims 1-3, 5, 7, 10-12, 14, 16 and 19 were rejected under 35 USC § 102(e) as being anticipated by Jordan et al. (U.S. 6,439,652). It is of course fundamental that in order to sustain an anticipation rejection that each and every element or step in the rejected claims must be taught or suggested in the cited reference. Here, there is no teaching or suggestion of a teaching in Jordan where a determination to locate a cache having a desired object is altered based on the size of the requested object, as is now positively recited in Applicants' amended independent claims 1, 10, and 19.

Specifically, Jordan is directed to load balancing cooperating caches. In Jordan, the caches communicate with one another to move items around in order to maintain proper balance. If a cache receives a request for an item, it first sees if that item is in its cache and if it is not it enlists the services of the load manager to find a cache that can provide the item.

However, Jordan does not teach or recognize that some communication between the caches and some management can generate excessive network bandwidth which can actually decrease the performance of the Jordan caching system. Conversely, Applicants' invention limits unnecessary communication between caches by using a size attribute for a requested object, such that if the size falls below a cutoff value then it is deemed a condition that may adversely impact overall performance of the caches. Correspondingly, Applicants' amended independent claims now positively recite that if this condition occurs, then the requested object is

directly vended from the server receiving the request to the client. Thus, the server receiving the request does not engage in unnecessary and futile network traffic to locate and acquire objects that are essentially small in size and which are more efficiently acquired directly from the server initially receiving the request.

The size of requested items in Jordan are not taught or accounted for, such that unnecessary coordination and interaction between the caches may be avoided when it is most appropriate to do so. Therefore, Jordan fails to teach or suggest each and every aspect of Applicants' amended independent claims. Accordingly, Applicants respectfully request that the rejections be withdrawn.

§103 Rejection of the Claims

Claims 4 and 13 were rejected under 35 USC § 103(a) as being unpatentable over Jordan et al. in view of Muller et al. (U.S. 6,016,310). Claim 4 is dependent from amended independent claim 1, and claim 13 is dependent from amended independent claim 10. Therefore, claims 4 and 13 should be allowed in view of the amendments and remarks presented above for independent claims 1 and 10.

Claims 6 and 15 were rejected under 35 USC § 103(a) as being unpatentable over Jordan et al. Claim 6 is dependent from amended independent claim 1, and claim 15 is dependent from amended independent claim 10. Therefore, claims 6 and 15 should be allowed in view of the amendments and remarks presented above for independent claims 1 and 10.

Allowable Subject Matter

Claims 8-9 and 17-18 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8-9 were cancelled and rewritten as new independent claims 20 (cancelled claim 8 in independent format) and 21 (cancelled claim 9 in independent format). Claims 17-18 were cancelled and rewritten as new independent claim 22 (cancelled claim 17 in independent format) and new dependent claim 23

(canceled claim 18, which is dependent from claim 22). Therefore, Applicants believe that claims 19-22 are in condition for allowance as indicated by the Examiner.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ROBERT DREW MAJOR ET AL.

By their Representatives,

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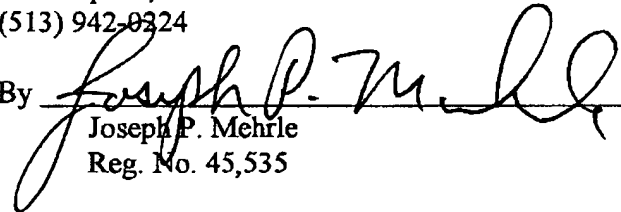
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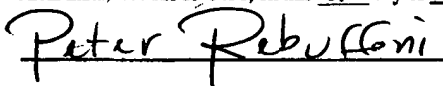
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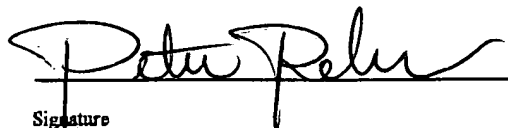
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By


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